

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
AMENDED INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION
(Amended Pre-publication of Notice Statement)

Amend Sections 52.10, 150.06, and 150.16,
Title 14, California Code of Regulations
Re: Nearshore Regional Total Allowable Catches, Trip Limits and Weekday Closures

I. Date of Initial Statement of Reasons: January 17, 2003
Date of Amended Initial Statement of Reasons: May 5, 2003

II. Dates and Locations of Scheduled Hearings:

(a) Notice Hearing: Date: December 20, 2002
Location: Sacramento, CA

(b) Discussion **Hearings**: Date: April 4, 2003
Location: Visalia, CA

Date: May 8, 2003
Location: Riverside, CA

(c) **Adoption Hearing**: **Date: June 20, 2003**
Location: Mammoth Lakes, CA

III. Description of Regulatory Action:

(a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

In previous regulatory actions the Fish and Game Commission defined fishing seasons, altered bag limits, capped allowable catches, established size limits, and determined sport and commercial allocations for several nearshore fish stocks. Now that the Nearshore Fishery Management Plan (NFMP) has been adopted and framework regulations implementing the plan are in effect, changes to those recreational and commercial fishing regulations for nearshore fish stocks are needed to fully reflect the policy directives contained within the NFMP.

State and federal actions in recent years have placed substantial constraints on take in order to reduce fishing pressure on nearshore stocks from both sport and commercial fisheries until more information is available on the status of these resources. One result of these restrictions has been a tendency for commercial fishermen to land fish as quickly as possible before reduced allowable catch levels are reached and fisheries are closed. Another result has been a tendency

for fishermen in one part of the state to catch much of the total allowable statewide harvest before fishermen in other areas are able to participate in the fishery because of weather or seasonal closures.

Background

The Marine Life Management Act of 1998 (MLMA) establishes the Legislature's concern for the status of nearshore fish stocks off California, particularly nearshore rockfish, California scorpionfish, and cabezon, greenlings, and sheephead (CGS) which are targeted by recreational and commercial fisheries in the state. Sections 7071 and 8587.1 of the Fish and Game Code authorize the Commission to adopt regulations based on the advice and recommendations of the Department to regulate nearshore fish stocks and fisheries. However, regulatory authority is shared jointly between state and federal governments in the case of species which are included in the federal West Coast Groundfish Fishery Management Plan (federal FMP). Beginning in 2003, some of those nearshore stocks which are defined as federal "groundfish," including shallow and deeper nearshore rockfish and California scorpionfish, are managed based on annual optimum yields set by the Pacific Fishery Management Council (PFMC). As a result, the state's regulatory and management actions must not allow catches of these species to exceed these established levels, nor can they conflict with other federal regulations such as fishing seasons, trip limits and bag limits, although the state may impose additional requirements as it sees fit.

Other nearshore species such as CGS have not been as actively managed by the PFMC or are managed entirely by the state. In this regulatory action, the state proposes to establish total allowable catches (TACs) and trip limits for CGS that will complement existing federal regulations for nearshore rockfish and California scorpionfish for 2003. The proposed regulatory options would also impose additional geographic constraints by establishing the TACs regionally, and serve to tighten the federal commercial trip limit requirements as described in detail below.

These changes will begin the transition process of managing nearshore finfish stocks according to the comprehensive management framework in the NFMP adopted by the Commission October 25, 2002, and are needed to provide for orderly and sustainable fisheries. These proposed regulatory amendments also serve to demonstrate an intent by the Department and the Commission to actively manage nearshore fish stocks on a regional basis as outlined in the NFMP and its implementing regulations. Furthermore, they may be viewed as a step toward complete management of all nearshore fish stocks by the state, including those species covered jointly under the federal FMP and the NFMP. In the future, it is expected that federal regulations for these species will be greatly

reduced or eliminated, and instead regulations governing the take of these species would be promulgated solely by the Commission.

Proposed Management Changes

The proposed management measures provided for the Commission's consideration would institute three changes to address the concerns mentioned above. The three proposed management changes include: 1) establishing regional TACs to limit take within discrete geographic areas for CGS and re-apportioning the existing allocation of these resources between sport and commercial fisheries; 2) instituting the use of trip limits and/or modifying existing weekday closures for the commercial fishery to spread allowable catches of CGS stocks through a longer fishing season; and 3) establishing a requirement that cumulative trip limit values noticed in the Federal Register for shallow and deeper nearshore rockfish and for California scorpionfish would apply to each individual California commercial licensee in order to slow catch rates. The federally-defined trip limits which are vessel-based would also continue to apply.

Each of the proposed management options listed below stand alone. That is, they can be independently adopted by the Commission. Associated with most of the proposed changes are discrete options that refine that regulatory change. In one proposed management change, the selection of a refining option needs to be linked to the selection of one of several sub-options. Proposed management changes and their associated options and sub-options are highlighted in bold font.

Proposed Management Change 1. Amend existing Section 52.10, Title 14, CCR, to provide regional TACs and allocations for CGS consistent with the NFMP framework (identified as item 1 in the Informative Digest).

The proposed amendments to existing regulations are designed to partition allowable catches by species to specific regions of the state and to allocate those regional allowable catches between recreational and commercial fisheries. Currently, regulations only provide statewide Optimum Yields (OYs) and allocations. Adverse weather conditions often prevent fishermen in some parts of the state from fishing until well into the fishing year. Regional TACs and allocations allow more equitable opportunities for participation in all regions, so that each region and each sport and commercial fishing sector is authorized a discrete volume of catch, regardless of performance in other regions and sectors. Four management regions were adopted by the Commission in October 2002 (Section 52.04) for the nearshore fishery, and are defined in Section 52.04,

Title 14, CCR, as the North Coast Region, North-Central Coast Region, South-Central Coast Region, and South Coast Region.

Option 1 would establish regional TACs for each species in each area for the commercial fishery, while the recreational fishery would be managed as a statewide aggregate. See proposed amendments to the regulatory language in Section 52.10, Title 14, CCR, or the Informative Digest/Policy Statement Overview (both attached) for tables outlining the proposed numeric values in each region. The regional TAC approach (Option 1) also includes a provision that for any regional allocation that is of a volume less than 1,000 pounds, that component of the fishery shall be considered closed and no take shall be allowed by that sector of the fishery in that geographic region at any time. This provision recognizes the Department's current inability to track catches of a very small magnitude in a timely manner and helps prevent harvest levels that exceed allowable catch levels.

Option 2 would maintain the status-quo of one statewide commercial TAC and one statewide recreational TAC, but update the values to reflect improvements in analysis of catch data. See proposed amendments to the regulatory language in Section 52.10, Title 14, CCR, or the Informative Digest/Policy Statement Overview (both attached) for numeric values.

Additionally, two sub-options are provided for each option that determines how the allocation within regions and fishing sectors is to be calculated, as follows:

Sub-option A uses the current ratios identified in Section 52.10, Title 14, CCR, to determine the allocation to the recreational and commercial fishing sectors for each species of CGS.

Sub-option B uses a historical ratio based on catches during 1983-1989 and 1993-1999 to determine the allocation to the recreational and commercial fishing sectors for each species of CGS. This adheres to guidance in the NFMP implementing regulations, Section 52.05, Title 14, CCR.

The two sub-options (A and B above) were developed based on guidance in the NFMP implementing regulations adopted by the Commission October 25, 2002 (Section 52.05 (c)), which state that "allocation by the state of a Commission authorized TAC for nearshore fish stocks will be based on the use of historical fishery information applied regionally, with constituent involvement, and based on a careful review of recreational and commercial landings information, and

adopted in compliance with the Administrative Procedure Act." Subsection (d) states that "until regional management is phased-in, and regional fishery information required to implement the allocation methodology under subdivision (c) is available, allocation of state managed nearshore fish stocks will be based on the currently used ratio of recreational to commercial take for a species during the periods 1983 through 1989 and 1993 through 1999." Both allocation options were provided to the Commission based upon different interpretations of these subsections of the NFMP implementing regulations.

Current regulations in Section 52.10, Title 14, CCR, specify OY and allocation values based on a policy decision by the Commission to limit annual harvests to a precautionary level of 50 percent of the average of recent catches. The two TAC options provided here continue to adhere to this precautionary approach. However, all numerical values proposed in this regulatory action reflect refined analysis of available landings information, which supercedes information used to establish the existing optimum yields that are specified in Section 52.10.

Other proposed amendments to Section 52.10 would replace "Optimum Yield" with the term "Total Allowable Catch." During the development phase of the NFMP, constituents commented that the term "optimum yield" is technically defined as the level of take that is the best or most favorable for the resource or fishery. Given the scarcity of scientific information available on CGS resources at this time, the term "total allowable catch" is a better description of the defined harvest levels.

Minor revisions to proposed allocation values for California sheephead originally noticed (see Item 1 in the Informative Digest) have been slightly modified since the publication of the Initial Statement of Reasons. Public comment concerning historical landings data used to calculate total allowable catches and allocations led to closer scrutiny of existing data. Based on that review, the originally proposed allocations have now been refined, using the best data available at this time, and are reflected in the new values proposed in the Amended Initial Statement of Reasons. These revised allocations of the allowable sheephead catch between sport and commercial fishery sectors differ from the originally proposed numbers by approximately 5 percent.

Proposed Management Change 2. Amend Section 150.16, Title 14, CCR, to modify trip limits to spread allowable catches of nearshore fish stocks through a longer fishing season (Item 2 in Informative Digest) and amend existing Section 150.06 to modify or eliminate the existing weekday closures for commercial cabezon and greenling fisheries (Item 3 in Informative Digest)

Increases in effort in CGS fisheries have been prompted by a strong market demand and premium prices paid for live fish, coupled with severe restrictions to other fisheries such as shelf rockfish. Beginning with the 2001 fishing season, the Commission took action to reduce commercial harvest levels of CGS to 50 percent of average catch levels between 1994 and 1999, resulting in the establishment of optimum yields and allocations specified in Section 52.10, Title 14, CCR. As a result, fishing seasons have become shortened, as closure actions were needed in 2001 and 2002 to keep catches within these allowable levels. These market and regulatory actions provoked individuals to develop efficient fishing methods to catch the greatest volume in the shortest amount of time, resulting in a "derby" type fishery.

The Commission took emergency regulatory action on December 20, 2002 to institute cumulative limits for nearshore fishery permittees to curtail catches of CGS during the first two months of the open season in 2003. This action was needed in order to prevent the fishery from taking a large volume of catch in this time period which could lead to early attainment of annual harvest levels. Fishery participants were each limited to catch volumes of 200, 50, and 400 pounds of cabezon, greenlings and sheephead, respectively, for the two-month period of January and February 2003.

Unless modified, current regulations impacting the state's commercial nearshore fishery will prompt derby conditions for commercial CGS fishing beginning May 1, 2003. Based on recent trends in catch, the fishery would continue to operate in such a way that participants take as many fish as possible as quickly as possible, which is not conducive to stable fisheries and fisheries marketing. Regulations are needed to prevent the commercial take of the entire, or a significant part, of the authorized annual harvest (optimum yield or OY) of CGS during the first few months of the open season. Continuing to allow for a derby is not in the interest of the state or the state's fishery resources for the following reasons:

- Current federal commercial regulations for rockfish call for a 10-month rockfish season for areas south of Cape Mendocino. Allowing for a CGS fishery to be open while nearshore rockfish fisheries are closed and vice-versa creates a significant potential for bycatch, as both nearshore rockfish and CGS reside in similar habitats, and frequently are caught in conjunction with one another. Given the allowable harvest levels for rockfishes in 2003 (a maximum of 500 aggregate pounds of shallow nearshore rockfish and 400 aggregate pounds of deeper nearshore rockfish for each 2-month time period), if similar catch levels are not instituted for CGS fisheries, significant bycatch and discard of rockfishes are likely to occur while actively pursuing high-volume CGS fisheries. With this in mind, it is reasonable to restrict CGS catches to levels that will allow for, on

average, landings in each two-month period to amount to 20 percent of the total commercial regional TAC or allocation, which would provide for a 10-month fishing season consistent with federal regulations for nearshore rockfish.

- A derby fishery coupled with a protracted fishing season negatively impacts fish buyers, as a large volume of the product is available for only a short period of time. A longer fishing season with controlled catch volume allows for a more reliable supply to markets, prevents saturation, and generally allows for higher ex-vessel prices paid to fishermen over the course of the open season.

- Cumulative trip limits are a fishery management tool which serve to spread the allowable catch among more participants over a longer period of time. Cumulative trip limits serve to cap individual performance at a specified level, while not reducing fishing efficiency (which may be best accomplished through gear restrictions). Commercial CGS landings data reveals that a small number of "high-liners" exist in the fishery, which account for a considerable portion of the total allowable commercial harvest of these species. While cumulative individual trip limits will hinder the performance of these individuals, the regulatory action will serve to spread the catch more equally between restricted-access fishery participants through time.

- Given that participants are geographically distributed (which is ensured with the adoption of the regional nearshore restricted access program), cumulative trip limits will allow for catches to be spread across greater geographic areas. Landings of CGS have traditionally been centered in specific areas of the state, and not distributed evenly statewide. This has allowed participants in some parts of the coast to take the majority of the allowable catch resulting in closure of the fishery before participants in other regions get much opportunity to fish due to seasonal restrictions or weather constraints. Cumulative trip limits will serve to spread the catch out through a longer open fishing season and will provide for a broader distribution of the catch statewide.

If cumulative trip limits are implemented by the Commission, the Department will evaluate catch levels in-season against allowable limits defined in regulations. Based on these data, when the Department determines that cumulative trip limits defined in regulations need significant adjustment upward or downward (by 50 percent or more), the cumulative trip limits become inoperative and may be replaced with alternative limits determined by the Department. The Department may perform these in-season analyses between May and September of each year; and would provide notification of changes by October 15 of each year.

Four trip limit options are proposed for the Commission's consideration:

Option 1 would establish trip limits that are the same statewide for each 2-month period that the fishery is open at volumes selected for each species from the range of values provided.

Option 2 would create cumulative two-month trip limits consistent statewide with the level of take per landing period set at the level used by the Pacific Fishery Management Council for shallow nearshore rockfish south of 40 degrees, 10 minutes N. latitude. Trip limits would be set at a catch volume equivalent to a multiplier of federal trip limits for shallow nearshore rockfish. As the federal limits differ between monthly periods and provide for the highest catch volumes to be taken in the late spring and summer months, CGS trip limits would be instituted following the same strategy.

Option 3 would create cumulative two-month trip limits that would apply in all regions of the state where the allowable catch volume may differ substantially between monthly periods. This option would allow the Commission to set two-month trip limits based on constituent input as to which months fishermen or fish buyers wish to prosecute the fisheries most and least heavily, while staying within overall allowable catch levels and seasonal constraints.

Option 4 would create cumulative trip limits that may differ for each region and for each two-month fixed period to allow for constituent input to the Commission as to what take levels should be, set in accordance with regional TACs.

Modification of existing weekday closures for cabezon and greenlings:

Current regulations in Section 150.06, Title 14, CCR, prohibit the take of cabezon and greenlings Thursday through Sunday, inclusive. The intent of the regulation was to reduce overall take by closing part of the week to fishing, and therefore allowing for a longer fishing season while keeping to target allowable catch levels. However, the regulation has been difficult to enforce because fishing for other nearshore species was allowed and cabezon and greenlings, while prohibited from being taken, sometimes were taken as bycatch while other species were targeted. Since the law does not include a prohibition on possession, there are few ways to ascertain when the fish were actually caught. Cabezon and greenlings were reported to be placed in receivers until they could be sold during the open days of fishing. The proposed changes include three options which would either eliminate this regulation entirely or modify the content to make the regulation achieve the intended purpose.

Three options are presented for the Commission's consideration on how the existing weekday closure regulations may be modified, including:

Option 1 would eliminate the existing regulatory subsection which prohibits commercial take of cabezon and greenlings Thursdays through Sundays. This would leave trip limits (if adopted) as the single mechanism to slow catch of these species, consistent with existing federal regulations for nearshore rockfish.

Option 2 would modify the existing regulation to prohibit both the commercial take and possession of cabezon and greenlings Thursdays through Sundays. This would improve effectiveness of current regulation.

Option 3 would modify existing the regulation in order to prohibit the commercial take and possession of all nearshore fish stocks as defined in Section 1.90 Thursdays through Sundays. This would make closure periods for the take of all nearshore species consistent to reduce bycatch, but still utilize weekday closures to slow catch rates, with or without the institution of trip limits.

Proposed Management Change 3. Amend existing Section 150.16, Title 14, CCR, to establish a requirement that cumulative trip limit values noticed in the Federal Register for shallow and deeper nearshore rockfish and for California scorpionfish would apply to individual California commercial licensees in order to slow catch rates. The federally defined trip limits which are vessel-based would also continue to apply (Item 4 in the Informative Digest).

This regulatory amendment is proposed by the Department to improve enforcement of federally-established cumulative trip limits for some fishermen. Federal law allows landing of one trip limit per vessel for shallow and deeper nearshore rockfish and California scorpionfish. However, in the nearshore fishery, it is relatively common for more than one vessel to be used in a fishing operation, especially for individuals employing the use of kayaks or skiffs. Since California issues Nearshore Fishery Permits to individuals, rather than to vessels, there is no requirement that landings of nearshore fish stocks be tied to a particular vessel. In order to prevent individuals from taking more than one vessel-based federal trip limit of these rockfish species, regulations are needed to clearly allow only one trip limit per California commercial licensee for all nearshore species for which either a state or a federal trip limit is established.

The proposed regulation would provide that cumulative trip limit values noticed in the Federal Register by the National Marine Fisheries Service for shallow nearshore rockfish, deeper nearshore rockfish, and California scorpionfish apply

to each individual California commercial licensee in addition to the federally-defined vessel-based limits. This would complement current regulations in Section 150.16, Title 14, CCR, which provide that each nearshore fishery permittee is entitled to one trip limit per 2-month period for CGS species.

(b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 200, 202, 205, 7071, 8587.1, and 8588, Fish and Game Code.

Reference: Sections 7056, 7071, 8585.5, 8587, and 8587.1, Fish and Game Code.

(c) Specific Technology or Equipment Required by Regulatory Change:

None.

(d) Identification of Reports or Documents Supporting Regulation Change:

Nearshore Fishery Management Plan. Adopted October 25, 2002. Department of Fish and Game.

Acheson, James M., "The Lobster Gangs of Maine," Hanover, NH: University Press of New England, 1988.

Agnello, Richard J. and Lawrence P. Donnelly. "Prices and Property Rights in the Fisheries," Southern Economic Journal 40 (October 1979): 253-62.

Tietenberg, Thomas H. "Environmental and Natural Resource Economics", 5th ed., Addison-Wesley Longman, Inc., 2000, 630 pp.

Wilson, J. A., "A Test of the Tragedy of the Commons," in Managing the Commons, G. Hardin and J. Braden, Eds. San Francisco: Freeman, 1977: 96-111

NMFS 1998 Pacific Socioeconomic Survey of Pacific Anglers: California through Washington. http://www.st.nmfs.gov/st1/econ/1998_pacific_facts.html

(e) Public Discussions of Proposed Regulations Prior to Notice Publication:

At the August 29, 2002, Fish and Game Commission meeting in Oakland, the Commission requested the Department proceed with developing regulations to

implement the Nearshore Fishery Management Plan, and provided specifics as to the priority of those regulatory items. Following this direction, the Department returned at the October 25, 2002 meeting and presented to the Commission and the public a three-phase series of regulatory actions. This regulatory package represents the second of these phases.

While the filing of this regulatory package with the Office of Administrative Law begins the official public comment period pursuant to the Administrative Procedures Act, since the Commission has heard specific comments which address the content of "Phase II" during other nearshore regulatory items on the Commission's agenda in the months following the October 25th meeting, the Department will provide a summary of these oral and written comments with the pre-adoption statement of reasons, in order to reflect the entire scope of comments received on the regulatory components of "Phase II."

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

From within the range of options presented for consideration, the Commission has determined that no other alternative considered would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

(b) No Change Alternative:

Not adopting the proposed regulations would demonstrate an intention to maintain the existing regulations which specify optimum yields and allocations for CGS, and an intention to not modify existing weekday closure regulations for cabezon and greenling commercial fisheries, which are inconsistent with regulations for other nearshore resources. Furthermore, trip limits would not be instituted and derby commercial fisheries would prevail for the species. Additionally, federal trip limits would continue to be less effective at slowing the rates of catch for minor nearshore rockfish if the Commission does not link federally imposed vessel-based limits to individual California commercial licensees. See section III(a) for additional information.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The Commission has made an initial determination that the amendment of these regulations may have a significant statewide adverse economic impact on approximately 184 businesses, primarily nearshore commercial fishermen but including some fish processors, distributors, baitshops, markets and sportfishing services providers, but not on the ability of California businesses to compete with businesses in other states. See attached form 399, addendum and appendix for a complete analysis of the impacts.

Based on revised allocations for California sheephead provided in this Amended Initial Statement of Reasons (Item 1, Options 1B and 2B), it is anticipated that relative to values presented in the economic information originally outlined in the Initial Statement of Reasons, the ex-vessel revenue paid to commercial fishermen would decrease approximately 5 percent, and the economic contribution of the recreational fishery would increase approximately 3 percent. These percentage values equate to an additional annual loss of approximately \$25,000 to the commercial sheephead fishery in terms of ex-vessel revenue and would result in approximately \$230,000 in increased annual economic contribution to the California recreational fishery from the originally proposed allocation values.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

Each of the three nearshore fishery management changes being considered would have different impacts, ranging from slightly increased benefits to nominal losses in production, depending on which option is selected. None of the options would create new direct costs or reporting requirements to individuals or businesses. See attached form 399, addendum and appendix for a complete analysis of the impacts.

- (c) Cost Impacts on a Representative Private Person or Business:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. See attached form 399, addendum and appendix for a complete analysis of the impacts.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.

- (f) Programs mandated on Local Agencies or School Districts: None.

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.

- (h) Effect on Housing Costs: None.

Updated Informative Digest/Policy Statement Overview

The proposed actions being considered by the Commission would institute three management changes that implement policy directives contained within the Commission approved Nearshore Fishery Management Plan. These include the following additions or changes to existing regulations:

- **Total Allowable Catch (TAC):** establishing regional Total Allowable Catch (TAC) levels to limit take within discrete geographic areas for cabezon, greenlings and sheephead (CGS) (Item 1, Option 1A and 1B below), or maintain statewide TACs (Item 1, Options 2A and 2B below), and re-apportion the existing allocation of these resources between sport and commercial fisheries;
- **CGS Trip Limits/Weekday Closure:** instituting cumulative trip limits to spread allowable commercial catches of CGS through a longer fishing season (Item 2 below) and/or modifying existing weekday closures for the cabezon and greenling commercial fisheries (Item 3 below);
- **Federal Trip Limits for Individuals:** establishing a requirement that cumulative trip limit values noticed in the Federal Register for shallow and deeper nearshore rockfish and California scorpionfish would apply to individual California commercial licensees in order to slow catch rates. The federally-defined trip limits which are vessel-based would also continue to apply (Item 4 below).

Existing regulations have established statewide harvest limits (in pounds) for cabezon, greenlings, and sheephead and identify how that poundage is allocated to the recreational and commercial fishery. Modification to these regulations are proposed in item 1 below.

Item 1, Total Allowable Catch (TAC)

Item 1, Option 1A: would establish four commercial TACs (one per region) and one statewide recreational TAC based on the currently used allowable catch ratios between sport and commercial fisheries established in Section 52.10, Title 14, CCR.

The total statewide allowable catch of cabezon would be 194,100 pounds, allocated as follows:

	Commercial Fishery	Recreational Fishery
North Coast Region	8,000 pounds	91,600 pounds
North-Central Coast Region	20,100 pounds	
South-Central Coast Region	61,700 pounds	
South Coast Region	12,700 pounds	

The total statewide allowable catch of greenlings would be 37,800 pounds, allocated as follows:

	Commercial Fishery	Recreational Fishery
North Coast Region	1,800 pounds	24,900 pounds
North-Central Coast Region	5,600 pounds	
South-Central Coast Region	5,300 pounds	
South Coast Region	200 <i>or</i> [0-200] pounds	

The total statewide allowable catch of sheephead would be 205,600 pounds, allocated as follows:

	Commercial Fishery	Recreational Fishery
North Coast Region	0 pounds	124,500 pounds
North-Central Coast Region	100 <i>or</i> [0-100] pounds	
South-Central Coast Region	1,500 pounds	
South Coast Region	79,500 pounds	

Item 1, Option 1B: would establish four commercial TACs (one per region) and one statewide recreational TAC based on the historical ratio of catches during 1983-1989 and 1993-1999.

The total statewide allowable catch of cabezon would be 194,100 pounds, allocated as follows:

	Commercial Fishery	Recreational Fishery
North Coast Region	5,500 pounds	118,300 pounds
North-Central Coast Region	16,100 pounds	
South-Central Coast Region	49,200 pounds	
South Coast Region	5,000 pounds	

The total statewide allowable catch of greenlings would be 37,700 pounds, allocated as follows:

	Commercial Fishery	Recreational Fishery
North Coast Region	1,300 pounds	34,200 pounds
North-Central Coast Region	1,100 pounds	
South-Central Coast Region	1000 pounds	
South Coast Region	100 or [0-100] pounds	

The total statewide allowable catch of sheephead would be ~~205,600~~ **205,700** pounds, allocated as follows:

	Commercial Fishery	Recreational Fishery
North Coast Region	0 pounds	426,400 <u>130,300</u> pounds
North-Central Coast Region	100 or [0-100] pounds	
South-Central Coast Region	2,400 <u>2,200</u> pounds	
South Coast Region	77,300 <u>73,100</u> pounds	

Item 1, Option 2A: would maintain the status-quo of one statewide commercial TAC and one statewide recreational TAC based on the currently used allowable catch ratios between sport and commercial fisheries established in Section 52.10, Title 14, CCR, but updates the values to reflect improvements in analysis of catch data.

-The total statewide allowable catch of cabezon would be 194,000 pounds, allocated 102,400 pounds to the commercial fishery and 91,600 pounds to the recreational fishery.

-The total statewide allowable catch of greenlings would be 37,600 pounds, allocated 12,700 pounds to the commercial fishery and 24,900 pounds to the recreational fishery.

-The total statewide allowable catch of sheephead would be 205,500 pounds, with 81,000 pounds allocated to the commercial fishery and 124,500 pounds to the recreational fishery.

Item 1, Option 2B: would maintain the status-quo of one statewide commercial TAC and one statewide recreational TAC based on the historical ratio of catches during 1983-1989 and 1993-1999, but updates the values to reflect improvements in analysis of catch data.

-The total statewide allowable catch of cabezon would be 193,900 pounds, with 75,600 pounds allocated to the commercial fishery and 118,300 pounds to the recreational fishery.

-The total statewide allowable catch of greenlings would be 37,600 pounds, with 3,400 pounds allocated to the commercial fishery and 34,200 pounds to the recreational fishery.

-The statewide allowable catch of sheephead would be 205,500 pounds, with ~~79,400~~ 75,200 pounds allocated to the commercial fishery and ~~126,100~~ 130,300 pounds to the recreational fishery.

Minor revisions to the proposed allocation values for California sheephead originally noticed in Item 1 have been modified using underline/strikeout format above. Public comment concerning historical landings data used to calculate total allowable catches and allocations led to closer scrutiny of existing data. Based on that review, the originally proposed changes to the allocations have now been refined, using the best data available at this time.

Existing emergency regulations which will expire May 1, 2003 establish a two-month cumulative trip limit for the commercial fishery for each species in the CGS complex for the January through February 2003 time period. Additional regulations are proposed in item 2 below.

Item 2, CGS Trip Limits

Item 2, Option 1: would establish commercial trip limits that are the same statewide for each 2-month period that the fishery is open at volumes selected for each species from the range of values provided.

(A) Cabezon: Not more than [200 -2,000] pounds per individual per two-month limit period

(B) Sheephead: Not more than [200 -2,000] pounds per individual per two-month limit period

(C) Greenlings: Not more than [25 - 400] pounds per individual per two-month limit period

Item 2, Option 2: would establish commercial trip limits that are the same statewide at a set value per landing period with catch volume equivalent to a multiplier of federal trip limits for shallow nearshore rockfish.

(A) Cabezon: The pounds per individual per two-month limit period is equal to the federal trip limit for shallow nearshore rockfish for waters south of 40 degrees, 10 minutes N. latitude.

(B) Sheephead: The pounds per individual per two-month limit period is equal to two times the federal trip limit for shallow nearshore rockfish for waters south of 40 degrees, 10 minutes N. latitude.

(C) Greenlings: The pounds per individual per two-month limit period is equal to one-quarter of the federal trip limit for shallow nearshore rockfish for waters south of 40 degrees, 10 minutes N. latitude.

Item 2, Option 3: would establish commercial trip limits that are the same statewide but allow catch volume to differ between monthly periods, based on constituent input, from the range of values below:

	Cabazon	Sheephead	Greenlings
January-February	[0-8,000] pounds	[0-8,000] pounds	[0-1,000] pounds
March-April	0 pounds	0 pounds	0 pounds
May-June	[0-8,000] pounds	[0-8,000] pounds	[0-1,000] pounds
July-August	[0-8,000] pounds	[0-8,000] pounds	[0-1,000] pounds
September-October	[0-8,000] pounds	[0-8,000] pounds	[0-1,000] pounds
November-December	[0-8,000] pounds	[0-8,000] pounds	[0-1,000] pounds

Item 2, Option 4: would establish trip limits which differ for each of the four management regions throughout the state, and differ between each landing period for the periods the fishery is open, which allows for trip limits to be set in accordance with regional TACs (coupled with Option 1A and 1B above), and based on constituent input. Trip limits ranging from 0-8000 pounds of cabazon, dependent on region and two-month limit period, are proposed. Trip limits ranging from 0-8000 pounds of sheephead, dependent on region and two-month limit period, are proposed. Trip limits ranging from 0-500 pounds of greenlings, dependent on region and two-month limit period, are proposed.

Existing regulations addressed under item 3 below established a prohibition on the commercial take of cabazon, kelp greenling, and rock greenling from Thursday through Sunday, inclusive.

Item 3, Weekday Closures

Item 3, Option 1: would eliminate the provision which prohibits the commercial take of cabazon, kelp greenling, and rock greenling from Thursday through Sunday;

Item 3, Option 2: would change the language of the regulation to prohibit possession as well as take of these species Thursday through Sunday; and/or

Item 3, Option 3: would change the regulation to include prohibiting the commercial take and possession of all nearshore fish stocks as defined in Section 1.90 from Thursday through Sunday.

No regulations addressed under item 4 below exist. New regulations are proposed in item 4 below.

Item 4, Federal Trip Limits for Individuals

Item 4: would establish a requirement that cumulative trip limit values noticed in the Federal Register for shallow and deeper nearshore rockfish and for California scorpionfish would apply to individual California commercial licensees in order to slow catch rates. The federally defined trip limits which are vessel-based would also continue to apply.